AO 91 (Rev. 5/85) Criminal Complaint

UNITED STATES DISTRICT COURT

ORIGINAL

U.S. DISTRICT COURT N.D. OF N.Y. FILED

DEC 0 9 2005

LAWRENCE K. BAERMAN, CLERK ALBANY

NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

TAMARA JOHNSON,

Defendant.

CRIMINAL COMPLAINT

CASE NUMBER: 05-mj-451 DRH

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 23, 2005, in the Northern District of New York the above-named defendant,

aiding and abetting others, did knowingly possess, barter, sell and dispose of stolen firearms, including a Weatherby Vanguard, .300 magnum bolt action rifle, serial number VS121792, knowing and having reasonable cause to believe that the firearms were stolen. Said firearms all had previously been transported in interstate and/or foreign commerce before or after being stolen.

in violation of Title 18 United States Code Sections 922(j) and 924(a)(2) and Title 18 United States Code Section 2. I further state that I am a Special Agent (Official Title) and that this complaint is based on the following facts:

Continued on the attached and made a part hereof. X Yes ___ No

[signature]
Signature of Complainant
Michael C. LaCouture
Bureau of Alcohol, Tobacco, and Firearms

Sworn to before me, and subscribed in my presence,

December 8, 2005 at Albany, New York
Date City and State

HON. DAVID R. HOMER
United States Magistrate Judge - N.D.N.Y.
Name and Title of Judicial Officer

[signature]
Signature of Judicial Officer

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

TAMARA JOHNSON, W/F; DOB: 06/16/1966

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APPLICATION IN SUPPORT OF ARREST WARRANT

Michael LaCouture, being duly sworn, deposes and states as follows:

1. I am commissioned as a Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives, (ATF) and have been so employed for seven years. I am a graduate of the Federal Law Enforcement Training Center, successfully completing the ATF New Professional Training Program, the Federal Law Enforcement Training Center's Criminal Investigator School. My training as an ATF Special Agent consisted of course-work which included classes in the identification of firearms and firearms trafficking, arson and explosives investigation, as well as legal studies including Title I and II of the Gun Control Acts, National Firearms Act, Search and Seizure, and Constitutional Law.

2. This affidavit is written in support for an arrest warrant for the person of Tamara JOHNSON, W/F, DOB: 06/16/1966. JOHNSON is alleged to have been party to a residential burglary, acting as lookout for the theft of firearms, and acting as an accomplice in the distribution of those stolen firearms. The firearms in question are those alleged to have been taken from the residence of Linda Knott, located at 330 Route 26A, Stuyvesant, New York, in Columbia County, in the Northern District of New York.

3. Your affiant, working in conjunction with Investigator Greg Thomas, as well as Trooper Timothy Jackson of the New York State Police Department, has determined that on or about May 23, 2005, Nicholas KIRBY, along with Stella HAMM, a previously convicted felon, and Tamara JOHNSON, both of whom acted as lookout accomplices, entered the residence of Linda Knott on two separate occasions and removed without permission, six long guns from a gun cabinet, which included a black Weatherby Vanguard bolt action, .300 magnum rifle with a scope attached. Furthermore, it was determined that Nicholas KIRBY, while acting in concert with Stella HAMM, W/F, DOB: 03/01/1958, a convicted felon, and Tamara JOHNSON, W/F; DOB: 06/16/1966, bartered or

sold those firearms within the cities of Hudson and Stockport, New York for cash as well as a quantity of crack cocaine.

4. Your affiant has learned from Investigator Thomas, that on June 2, 2005, pursuant to an investigation into an alleged domestic violence incident, Tamara JOHNSON, reported that KIRBY assaulted her at their residence located at 330 County Route 26A, Stuyvesant, New York. At the time of the report, JOHNSON also alleged that KIRBY, a previously convicted felon, had burglarized their neighbor's apartment, Linda Knott, on two separate occasions and had stolen numerous firearms from that premises. JOHNSON also stated to investigators that KIRBY made her drive him to the city of Hudson to sell the firearms in order to obtain crack cocaine. Additionally, JOHNSON provided a written statement to investigators that implicated a third individual, identified as Stella HAMM.

5. On June 6, 2005 your affiant and Investigator Thomas interviewed Linda Knott. At that time, Knott provided a list of firearms to the investigators which included a Weatherby Vanguard, .300 magnum bolt action rifle, S/N# VS121792, a New England Firearms 12 gauge shotgun, a Ruger 10-22 caliber rifle, a Remington .22 caliber rifle, a Mossberg, 16 gauge shotgun, and a Savage Model 110, 30-06 caliber rifle.

6. On June 6, 2005, Stella HAMM was interviewed by affiant, Trooper Jackson, and Investigator Thomas at the Kinderhook Barracks. HAMM was provided her Miranda Warnings and a sworn statement was obtained from her detailing her involvement with KIRBY and JOHNSON. HAMM provided information that her ex-boyfriend, Bill HERCHENRODER Sr., purchased a firearm from KIRBY for $150. HAMM stated that later that evening, KIRBY purchased crack cocaine with the money from the sale of the firearm. At this time, the vehicle used to transport the stolen firearm, HAMM, and KIRBY, was driven by Tamara JOHNSON and registered to Kenneth JOHNSON, who was Tamara's uncle.

7. On June 7, 2005, ATF Resident Agent in Charge John F. Morgan stated that the Weatherby Vanguard, .300 caliber rifle, S/N# VS121792 was manufactured in the Country of Japan and imported into the United States through the State of California and has therefore traveled in interstate and foreign commerce. Furthermore, the New England Firearms 12 gauge shotgun, the Ruger 10-22 caliber rifle, the Mossberg, 16 gauge shotgun, and the Savage Model 110, 30-06 caliber rifle were all manufactured outside the State of New York and have therefore traveled in interstate commerce.

8. On July 7, 2005, Nicholas KIRBY provided information that confirmed HAMMS involvement in the theft and barter of the stolen firearms for a quantity of crack cocaine. Additionally, KIRBY stated that he provided HAMM with two $20 bags of crack cocaine as payment for "good looking out", which he explained was for helping set up the sale of the firearm to HERCHENRODER. KIRBY also stated

that HAMM, JOHNSON and himself smoked the rest of crack cocaine from that sale.

9. Furthermore, KIRBY recounted that after the burglary of the firearms, he contacted HAMM to inform her that he was unable to dispose of the four long guns previously taken from the Knott residence. HAMM agreed to meet KIRBY at a Hess Gas Station in Hudson. Later the same evening, HAMM arrived at the Hess Station, along with an individual identified as "SAINT", aka, Clarence BURGESS. At that time, HAMM drove her white four door vehicle to meet KIRBY and JOHNSON. BURGESS removed the four long guns from JOHNSON'S SUV and transferred those long guns into the back seat of HAMMS' vehicle. HAMM then moved those firearms to the trunk. HAMM then exchanged a quantity of crack cocaine in exchange for the guns with KIRBY.

10. Additionally, in a written affidavit provided by JOHNSON, she recounted that HAMM and an unidentified black male, met with KIRBY and her at a gas station in Hudson and traded four rifles for three bags of crack cocaine.

11. Furthermore, subpoenaed phone records corroborate cellular telephone traffic between KIRBY/JOHNSON and Stella HAMM during the alleged time of the burglary and further sale of the stolen firearms.

12. An FBI NCIC/NYS DCJS criminal history record check was conducted on TAMARA JOHNSON with negative results.

13. On December 6, 2005, JOHNSON was interviewed. Post-Miranda statements made by JOHNSON confirmed her involvement in this burglary, as a participant driver/lookout. Furthermore, JOHNSON stated that her vehicle was used to disperse the stolen firearms within Columbia County. JOHNSON furthermore identified Stella HAMM as being present at the first burglary when two firearms were removed from the residence of Linda Knott. JOHNSON also identified Clarence BURGESS, aka: SAINT, from a photographic lineup, indicating that BURGESS and HAMM met with JOHNSON and KIRBY and he KIRBY traded the stolen firearms to BURGESS/HAMM for a quantity of crack cocaine. JOHNSON recalled that KIRBY used her telephone to contact HAMM and arranged the exchange of guns and drugs. In addition, JOHNSON stated that she and KIRBY smoked the crack cocaine together that night.

14. Therefore, you affiant respectfully submits that there is probable cause to believe that TAMARA JOHNSON has violated Title 18 United States Code Section 922(j) and Title 18 United States Code Section 2 in that while aiding and abetting others JOHNSON did unlawfully possessed, barter, sell and dispose a number of stolen firearms, that is, a Weatherby Vanguard, 300 magnum bolt action rifle, S/N# VS121792, a New England Firearms 12 gauge shotgun, a Ruger 10-22 caliber rifle, a Remington .22 caliber rifle, a Mossberg, 16 gauge shotgun, and a Savage Model 110, 30-06 caliber rifle, while knowing and having reasonable

cause to know that the firearms were stolen in that JOHNSON participated in the theft and disposal of the stolen firearms and said firearms having previously moved in interstate and/or foreign commerce.

15. The information contained within this affidavit is based upon my own investigation and upon information provided to me by law enforcement officers and by eye-witnesses to the described events. Where conversations or statements of others are related herein, they are related in part and in substance. Moreover, because this affidavit is submitted for a limited purpose, I have not set forth every fact that I have learned in the course of this investigation. Such information is true and to the best of my knowledge and belief.

Michael C. LaCouture
ATF Special Agent

Sworn to before me, this
8th Day of December, 2005

Hon. David R. Homer
United States Magistrate Judge
Northern District of New York